

TABLE 5 TO PART 161—BENEFITS FOR DEPENDENTS OF NATIONAL GUARD OR RESERVE MEMBERS—  
Continued

	CHC	DC	C	MWR	E
Legitimate, adopted, stepchild, illegitimate child of record of female member, or illegitimate child of male member whose paternity has been judicially determined or voluntarily acknowledged.	1 .....	1 .....	2 .....	3 .....	3.
Ward .....	1, 4 .....	1, 4 .....	4 .....	4 .....	4.
Pre-adoptive Child .....	1, 5 .....	1, 5 .....	5 .....	5 .....	5.
Foster Child .....	No .....	No .....	2 .....	2 .....	2.
Children, Unmarried, 21 Years and Over.	1, 6 .....	1, 6 .....	2, 6 .....	6 .....	6.
Father, Mother, Father-in-Law, Mother-in-Law, Stepparent, or Parent by Adoption.	No .....	1, 2 .....	2 .....	3 .....	3.

**Notes:**

1. Yes, if the sponsor is on active duty greater than 30 days. When the order to active duty period is greater than 30 days the eligibility for CHC and DC for eligible dependents begins on the first day of the active duty period.

2. Yes, if a member of a household maintained by or for an authorized sponsor and dependent on that sponsor for over 50 percent of his or her support. Children residing in the household of a separated spouse continue to be eligible for commissary privileges until there is a final divorce decree. In the case of a divorce, children residing in the household of a former spouse ARE NOT considered to be members of the authorized sponsor's household for commissary privileges. Exception: Children who reside with a former spouse meeting requirements for commissary privileges based on 20 years of marriage during a period the member or retired member performed 20 years of service, or the dependent is entitled to privileges as a result of sponsor abuse pursuant to 10 U.S.C. 1408(h).

3. Yes, if dependent on an authorized sponsor for over 50 percent support, or children of a sponsor residing in the household of a former spouse (20–20–20 or 10–20–10).

4. Yes, if, for determination of dependency made on or after July 1, 1994, placed in the legal custody of the member as a result of a court of competent jurisdiction in the United States (or possession of the United States) for a period of at least 12 consecutive months; and:

a. Is dependent on the member for over 50 percent support.

b. Resides with the member unless separated by the necessity of military service or to receive institutional care as a result of a disability or incapacitation or under such other circumstances as the administering Secretary may, by regulation, prescribe.

5. Yes, if, for determinations of dependency made on or after October 5, 1994, placed in the home of the member by a placement agency (recognized by the Secretary of Defense) or by another source authorized by State or local law to provide adoption placement, in anticipation of the legal adoption by the member.

6. Yes, if the child:

a. Has not attained the age of 23, is enrolled in a full-time course of study at an institution of higher learning approved by the administering Secretary, and is dependent on the member for over 50 percent of the child's support; or

b. Is incapable of self-support because of a mental or physical incapacity that existed before age 21, or occurred before the age of 23 while a full-time student, while a dependent of a member and is dependent on the member for over 50 percent of the child's support.

**§ 161.12 Benefits for former uniformed services members.**

(a) This section describes the benefits for former uniformed services members and their eligible dependents. Former members are eligible to receive retired pay, at age 60, for non-regular service

in accordance with 10 U.S.C. chapter 1223, but have been discharged from their respective Service or agency and maintain no military affiliation.

(1) *Former Members and their Eligible Dependents.* Former members and their dependents are eligible for benefits as shown in Table 6 to part 161.

TABLE 6 TO PART 161—BENEFITS FOR FORMER MEMBERS AND DEPENDENTS

	CHC	DC	C	MWR	E
Former Member (Self)	1 .....	1 .....	Yes .....	Yes .....	Yes.
Lawful Spouse .....	1 .....	2 .....	Yes .....	Yes .....	Yes.
Children, Unmarried, Under 21 Years:					

TABLE 6 TO PART 161—BENEFITS FOR FORMER MEMBERS AND DEPENDENTS—Continued

	CHC	DC	C	MWR	E
Legitimate, adopted, stepchild, illegitimate child of record of female member, or illegitimate child of male member whose paternity has been judicially determined or voluntarily acknowledged.	1 .....	2 .....	3 .....	4 .....	4.
Ward .....	1, 5 .....	2, 5 .....	5 .....	5 .....	5.
Pre-adoptive Child .....	1, 6 .....	2, 6 .....	6 .....	6 .....	6.
Foster Child .....	No .....	No .....	3 .....	3 .....	3.
Children, Unmarried, 21 Years and Over.	1, 7 .....	2, 7 .....	3, 7 .....	7 .....	7
Father, Mother, Father-in-Law, Mother-in-Law, Stepparent, or Parent by Adoption.	No .....	2, 3 .....	3 .....	4 .....	4

**Notes:**

1. Yes, if the former member is age 60 or over and in receipt of retired pay for non-regular service; and is:
  - a. Not entitled to Medicare Part A hospital insurance through the SSA, or
  - b. Entitled to Medicare Part A hospital insurance and enrolled in Medicare Part B medical insurance or qualified as an exception in accordance with section 706 of Public Law 111–84, “National Defense Authorization Act for Fiscal Year 2010.”
2. Yes, if former member is age 60 or over and in receipt of retired pay for non-regular service.
3. Yes, if a member of a household maintained by or for an authorized sponsor and dependent on that sponsor for over 50 percent of his or her support. Children residing in the household of a separated spouse continue to be eligible for commissary privileges until there is a final divorce decree. In the case of a divorce, children residing in the household of a former spouse ARE NOT considered to be members of the authorized sponsor’s household for commissary privileges. Exception: Children who reside with a former spouse meeting requirements for commissary privileges based on 20 years of marriage during a period the member or retired member performed 20 years of service, or the dependent is entitled to privileges as a result of sponsor abuse pursuant to 10 U.S.C. 1408(h).
4. Yes, if dependent on an authorized sponsor for over 50 percent support, or children of a sponsor residing in the household of a former spouse (20–20–20 or 10–20–10).
5. Yes, if, for determination of dependency made on or after July 1, 1994, placed in the legal custody of the member or former member as a result of a court of competent jurisdiction in the United States (or possession of the United States) for a period of at least 12 consecutive months; and:
  - a. Is dependent on the member for over 50 percent support.
  - b. Resides with the member or former member unless separated by the necessity of military service or to receive institutional care as a result of a disability or incapacitation or under such other circumstances as the administering Secretary may, by regulation, prescribe.
6. Yes, if, for determinations of dependency made on or after October 5, 1994, placed in the home of the member or former member by a placement agency (recognized by the Secretary of Defense) or by another source authorized by State or local law to provide adoption placement, in anticipation of the legal adoption by the member or former member.
7. Yes, if the child:
  - a. Has not attained the age of 23, is enrolled in a full-time course of study at an institution of higher learning approved by the administering Secretary, and is dependent on the former member for over 50 percent of the child’s support; or
  - b. Is incapable of self-support because of a mental or physical incapacity that existed before age 21, or occurred before the age of 23 while a full-time student, while a dependent of a member or former member, and is dependent on the member or former member for over 50 percent of the child’s support.

**§ 161.13 Benefits for retired members of the uniformed services.**

(a) This section describes the benefits for retired uniformed service members entitled to retired pay and their eligible dependents. Retired uniformed service members are entitled to retired pay and eligible for benefits administered by the uniformed services in accordance with 10 U.S.C., DoD Instruction 1330.17, DoD Instruction 1330.21, DoD Instruction 1015.10, and TRICARE Policy Manual 6010.57–M (available at

[http://www.tricare.mil/contracting/healthcare/t3manuals/change2/tp08/cds9\\_1.pdf](http://www.tricare.mil/contracting/healthcare/t3manuals/change2/tp08/cds9_1.pdf)). This includes voluntary, temporary, and permanent disability retired list (PDRL) retirees. Benefits for former members and their eligible dependents are described in § 161.12.

(1) *Retired Members.* Benefits for voluntary retired members and PDRL retirees are shown in Table 7 to part 161. Benefits for temporary disability retired list (TDRL) retirees are shown in Table 8 to part 161.